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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

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In the Matter of the Suspension:	
or Revocation of the License of:	Administrative Action
LEWIS M. IRVING, JR., D.M.D.	:
	:
To Practice Dentistry	:
in the State of New Jersey	:

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This matter was opened to the New Jersey State Board of Dentistry (hereinafter "Board") on the basis of information received that on or about July 12, 1996 a Judgement of Conviction was entered by the New Jersey Superior Court, Mercer County, Law Division-Criminal, wherein Lewis M. Irving. Jr., D.M.D. (hereinafter "respondent") entered a plea of guilty to one count of Theft by Deception, second-degree, for Medicaid fraud in violation of N.J.S.A. 2C:20-4. The respondent, who was sentenced as a third degree offender pursuant to a plea agreement, was sentenced to four years in State Prison, \$50.00 VCCB penalty, and \$75.00 Safe Streets assessment. Further, respondent executed a consent order in which

he agreed to pay \$175,342.00 in restitution, and civil and administrative penalties of \$40,658.00 for a total payment of \$216,176.00. The aforementioned constitutes grounds for suspension or revocation of respondent's license to practice dentistry in the State of New Jersey in that respondent has been convicted of a crime relating adversely to the dental profession in violation of N.J.S.A. 45:1-21(f).

It appearing that the parties desire to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 6<sup>th</sup> DAY OF March 1997

HEREBY ORDERED AND AGREED THAT:

1. The license of respondent Lewis Irving, D.M.D. to practice dentistry in the State of New Jersey shall be and is hereby revoked effective upon entry of this Order, and respondent shall immediately surrender his wall certificates including, but not limited to, his dentistry license, and C.D.S. and D.E.A. registrations to the Board of Dentistry at 124 Halsey Street, 6th Floor, Newark, New Jersey 07102. Respondent shall observe the provisions of the directives for dentists whose licenses have been suspended or revoked, a copy of which is attached hereto and made a part of the within Consent Order.

2. During the period of time in which respondent's dentistry

license remains revoked, he shall not own or otherwise maintain a pecuniary or beneficial interest in a dental practice or function as a manager, proprietor, operator or conductor of a place where dental operations are performed, or otherwise practice dentistry with the meaning of N.J.S.A. 45:6-19.

3. The Board shall not entertain any petition from respondent for reinstatement of the license to practice dentistry prior to six months from the filing date of this Order.

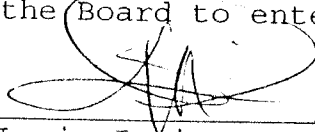
4. Respondent shall have the opportunity to appear before the Board for the sole purpose of addressing the Board in mitigation of the disciplinary sanctions set forth above. Respondent, however, agrees to be bound by the terms set forth in this Consent Order in the event the Board does not modify any provision of the within Order after hearing respondent's arguments. A request for a mitigation hearing shall be addressed to Agnes Clarke, Executive Director of the Board of Dentistry, who shall assign a date and time for such hearing. Respondent will be allowed one hour for the mitigation hearing. Fourteen days prior to the hearing, respondent shall provide to the Board the name and title of all witnesses who will appear at the mitigation hearing and a summary of their testimony. All witnesses presented will testify under oath and will be subject to cross examination by the Board members and the Deputy Attorney General assigned to this case. The Attorney

General shall have the opportunity to present its position with regard to the proposed terms of the Consent Order.



Anthony Villane, Jr., D.D.S.  
President  
State Board of Dentistry

I have read and understand  
the within Order and agree  
to be bound by its terms.  
Consent is hereby given to  
the Board to enter this Order.



Lewis Irving, D.M.D.

**DIRECTIVE REGARDING FUTURE ACTIVITIES  
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/  
REVOKED AND USE OF THE PROFESSIONAL PREMISES**

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of dentistry in any form either as principal or employee of another licensee.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new licensee is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing patient record to the new licensee, or to the patient if no new licensee is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices dentistry.
- 5) Desist and refrain from furnishing professional dental services, giving an opinion as to the practice of dentistry or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice dentistry or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice dentistry. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing.
- 6) Cease to use any stationery whereon such person's name appears as a dentist in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed

of, transferred or safeguarded.

7) Not share in any fee for dental services performed by any other licensee following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and either dispose of or store the dental material and equipment, but in no event shall the disciplined licensee, on the basis of a lease or any other agreement for compensation place in the possession of any operator, assistant or other agent such dental material and equipment, except by a chattel mortgage.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a

member of a professional group which uses a group-type name such as the ABC Dental Group, the disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

(9) Report promptly to the Board compliance with each directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

(10) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the Board in good standing.

2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

(11) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 90 days after the effective date of the Board Order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.